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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,444	07/03/2003	Blaise J. Ganzel	1-23005	6597

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,444	Applicant(s) GANZEL, BLAISE J. <i>ST</i>	
	Examiner Devon C Kramer	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- 1) Applicant's election without traverse of species 1 in the reply filed on 8/23/04 is acknowledged.
- 2) Claims 8 and 10-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/23/04.

Information Disclosure Statement

- 3) The information disclosure statement filed 3/5/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Please note that only the WO document has not been considered.

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Claim Rejections - 35 USC § 102

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Oka et al (JP 11263214). Please note that US 6183049 has been used as a functional equivalent to the Japanese document.

In re claim 1, Oka et al provides a vehicle brake system comprising: a master cylinder (80) having a housing defining a bore, said master cylinder further including a boost piston (86) and a primary piston (12) slidably disposed in said bore, said master cylinder having a boost chamber (85) defined at least in part by said boost piston and said housing, a source of pressurized fluid (83); a boost valve (82) operable to supply fluid from said source of pressurized fluid to said boost chamber for advancing said boost piston and said primary piston in said master cylinder.

In re claim 2, see figure 6.

In re claim 3, the pistons of Oka et al can travel at different rates depending on the mode of brake operation.

IN re claim 5, see col. 15 lines 27-30.

In re claim 6, see figure 6 and 1. Please note that is figure 1 lines 43 and 44 connect to two different brake circuits and these lines are also present in figure 6.

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6) Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Oka et al (JP 11198796). Please note that US 6196641 has been used as a functional equivalent to the Japanese document.

In re claim 1, Oka et al provides a vehicle brake system comprising: a master cylinder (1) having a housing defining a bore, said master cylinder further including a boost piston (8) and a primary piston (47) slidably disposed in said bore, said master cylinder having a boost chamber (25) defined at least in part by said boost piston and said housing, a source of pressurized fluid (38); a boost valve (10) operable to supply fluid from said source of pressurized fluid to said boost chamber for advancing said boost piston and said primary piston in said master cylinder.

In re claim 2, see figure 1.

In re claim 3, see valve 46 and figure 1.

In re claim 4, see elements 63 and 64.

In re claim 5, see abstract.

In re claim 6, see figure 1.

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Claim Rejections - 35 USC § 103

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al (JP 11263214) or Oka et al (JP 11198796) in view of Uno et al (JP569818).

Oka et al (JP 11198796) teaches an ABS function (col 59 lines 60-65).

Oka et al (JP 11263214) teaches an ABS function (col 11 lines 59-60).

Both Oka et al documents lack the teaching of a fluid separator valve.

Uno et al teaches a fluid separator valve (51) connected between first and second brake circuits.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the brake circuits of the two Oka et als with a fluid separator valve taught by Uno et al to provide brake pressure to another brake circuit if one portion of that brake circuit is damaged.

Conclusion

9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Willmann et al, Wachi et al, Takasaki et al, Nishii et al ('820, '884), Hiraiwa, Kita et al, Kobayashi et al and Shimada et al all provide brake systems with a hydraulic boost.


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10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK


9/25/04